

QUART LIMITATION HELD WORTHLESS

Professor Rogers Points to Possible Defect in Shipping Feature of Mapp Bill.

SAYS IT IS INCONSISTENT

Holds That Measure Allows Possession of Larger Amounts if Intended for Personal Use.

The celebrated one-quart limitation of the Mapp prohibition law is held to be without force or effect by Lindsay Rogers, who contributes to the April number of the Virginia Law Review an exhaustive analysis of this feature of the act passed by the last General Assembly, under the title "The Virginia Prohibition Law and the Commerce Clause of the Federal Constitution."

The article, which is given leading position in this journal of legal review, reviews the principal court decisions dealing with the Webb-Kenyon law and the various State anti-shipment laws which draw their effectiveness from this Federal statute.

Mr. Rogers is adjunct professor of political economy at the University of Virginia and well-known as a writer on legal and economic subjects. He succeeded Professor W. M. Hanley, who resigned from the faculty to go to the Virginia Military Institute. He is a graduate of Johns Hopkins University and has been a member of the faculty of the University of Virginia for about a year.

The prominent position given Mr. Rogers' article by the Virginia Law Review, it is pointed out, supports the assumption that the editors of the publication are seriously impressed by his conclusions. The brief has been read with much interest by prominent local lawyers, several of whom expressed the belief that the finding of the court would be a fair chance of being sustained by the courts.

DIVESTED OF INTERSTATE CHARACTER IN SOME CASES

Under the Webb-Kenyon law, intoxicating liquors are divested of their interstate character in certain cases. It prohibits the shipment or transportation of intoxicating liquor from one State into another State when such liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of the law of such State.

The defect of the shipping feature of the Mapp bill, Mr. Rogers says, lies in its attempt to keep out of the State all shipments of more than specified amounts, irrespective of whether their proposed disposition after the consignee receives them is permitted by State law. The Mapp bill limits the amount of liquor that may be delivered by a common carrier to any one person in the State, to one quart of distilled liquor, or three gallons of beer, or one gallon of wine. Such deliveries cannot be made oftener than once a month in the case of any one person.

Now, while these arbitrary amounts are fixed as the maximum quantities that may be legally delivered or received, Mr. Rogers points out, the Mapp bill legalizes the possession of much larger amounts if intended purely for personal use. Thus, the law provides that not until the possession at one's home of more than one gallon of liquor, one gallon of wine or three gallons of beer is shown shall such possession be prima facie evidence that the liquors are kept for sale.

Mr. Rogers quotes a decision of the Delaware Supreme Court in which it holds that the Hazel law of that State, which attempts to do practically what is undertaken by the shipping provision of the Mapp act, is inoperative so far as applied to interstate shipment for valid purposes.

MAY BE COMPELLED TO DELIVER SHIPMENTS

"It seems to me clear," Mr. Rogers concludes, "that when shipments are not brought in for purposes which are made unlawful by the Virginia law (and made have been made unlawful before the passage of the Webb-Kenyon act), the carrier, not only cannot be prevented from delivering, but, on the contrary, may, by mandamus, be compelled, to deliver such shipments."

"To conclude, then, it would seem to be abundantly established by reason and precedent that residents of Virginia desiring intoxicating liquors for their own use after November 3, 1916, will not be prevented from receiving them, nor will residents be limited as to the amounts of ardent spirits if the consignments are for possession at the home, or other lawful place, and for personal use."

"If a common carrier refuses, through fear of violating the Virginia law, to transport the shipments, the courts would be justified in granting a mandamus compelling the delivery, even though the consignee had with the month received the amount which the act unsuccessfully attempts to fix as the limit. It would seem, furthermore, that this right to import liquors for personal use may be insisted upon by the consignee, subject only to the danger that if an individual possesses at his home more than one gallon of distilled liquor, one gallon of wine or three gallons of beer, it would be prima facie evidence that the liquors are kept for sale, and he may have to stand trial and rebut this presumption—a proceeding, however, which, in many cases will not be difficult."

Mr. Rogers adds a foot note, in which he confesses to being puzzled by the provisions in the Mapp bill limiting

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American Airmen Win French Praise

Two Proposed for Promotion and One for Citation, as Reward for Heroic Service.

PARIS, May 21.—Corporal Kiffin Rockwell, a member of the Franco-American Flying Corps, has been proposed for promotion to the rank of sergeant, as a reward for bringing down a German aeroplane near Hartmannsweiler-Kopf, on May 18. He will be decorated with the military medal.

Corporal Rockwell formerly lived in Asheville, N. C., where his mother now resides, but he came to France from Atlanta, Ga.

In the spectacular fight, which may win him promotion, he engaged his opponent at close quarters. He swooped down upon the German aeroplane, facing machine-gun fire as he approached. He waited until he was within thirty yards of the German machine, and then opened fire. At his fifth shot the gunner of the German machine tossed up his hands and fell on the pilot, who also crumpled up, as the machine began to plunge downward in flames to the German trenches near Offholtz. After it crashed to the ground it continued to burn.

ARTILLERY OBSERVERS REPORT FALL OF MACHINE

Corporal Rockwell was compelled to turn at a sharp angle to avoid a collision with the German aeroplane. He did not see the German machine strike the ground, but that fact was reported by artillery observers.

Corporal Victor Chapman, of New York, has been proposed for promotion to the rank of sergeant for his pursuit of a German machine that flew over the camp seeking revenge for Corporal Rockwell's exploit.

STATEMENT BY TUMULTY

Refers to President's Action in Regard to Asking Wicket for Renomination Him.

WASHINGTON, D. C., May 21.—Joseph P. Tumulty, secretary to President Wilson, tonight gave a statement referring to a letter from Governor Fielder, of New Jersey, to the President, in which the Governor stated that he had allowed himself to be selected by the New Jersey delegates to the St. Louis convention to nominate Mr. Wilson, because State Chairman Edward Grosscup had told him that he had been notified that the President had no choice. On the same day the delegates wrote, the President wrote to the Attorney-General of New Jersey, asking him to make the nominating speech. Mr. Tumulty's statement follows:

"There was no misunderstanding on my part as far as this situation was concerned. A messenger representing State Chairman Grosscup called me by telephone at the White House on the morning of the meeting of the delegates, and I informed him that it was the President's desire that Judge Wicket should be designated to renominate him. Mr. Grosscup was in possession of this information and the President's views when the delegates selected Governor Fielder. Governor Fielder's name was never suggested to me by Mr. Grosscup with this duty in any discussion I had with him about affairs in New Jersey."

JOHN D. IS "TOUCHED"

Little Grandson Gets New Nickel for Kiss, as Congregation Looks On.

[Special to The Times-Dispatch.] TARRYTOWN, N. Y., May 21.—John D. Rockefeller was "touched" to-day and right in church, too. He attended service at Lyceum, Potomac Hills, and so did his son and grandchildren.

After service young Winthrop Rockefeller, bearded to his grandfather and his father, had a little matter to adjust with him. When his grandfather reached his side and bent over to get the message, Winthrop said: "Grandpa, I've got a big kiss for you."

Mr. Rockefeller was wise. He smiled, put his hand in his vest pocket, where he keeps his loose change, and, digging out a new nickel, handed it to his grandson, who already had his hand out.

FOR WORK OF CHURCH

Consecration of Infants for Pulpit and Mission Field Marks Session of Presbyterian Assembly.

BIRMINGHAM, Ala., May 21.—Consecration of infants to the work of pulpit and mission field, and generous responses to an appeal for financial aid marked an unusual session of the General Assembly of the Cumberland Presbyterian Church here to-day.

Mrs. John A. Clay presided, and the principal address was made by Mrs. Lavinia Wilson, of Kentucky, who concluded by calling on parents to consecrate their children to religious work. In addition, a number of adults volunteered to serve in any field to which the church should assign them.

A session to-night was given over to the discussion of educational work.

ENDS LIFE IN LEAP OF ELEVEN STORIES

Ernest R. Edmonds, of Richmond, Jumps From Office Building in Washington.

HAD FINANCIAL TROUBLES

Recently Told a Friend He Was So Worried He Felt Like "Jumping Over."

[Special to The Times-Dispatch.]

WASHINGTON, D. C., May 21.—Ernest R. Edmonds, thirty-two years old, a telegraph operator, committed suicide to-day by leaping from an eleventh-floor window of the Munsey Building. His body, striking the concrete pavement, was badly crushed and scarcely recognizable. Temporary mental troubles are believed to have prompted the act.

Edmonds recently came to Washington from Richmond, an "while here has been operating a press wire. For years he was operator for a press association at Richmond. His friends here say he was a native of Front Royal, Va., but his father now resides at Remington, Va. His body was taken charge of by his wife, Mrs. Belle Edmonds.

Edmonds had been worrying for several weeks over financial troubles and his wife's illness. He recently told M. Thelen, another operator, that he felt like "jumping over." He said he was "worried and tied up in financial troubles."

Mr. Edmonds was well known in Richmond, where he had made his home for more than a year. He and his wife left here for Washington last Wednesday. Mr. Edmonds (telling friends here on Tuesday night that he had the promise of employment as a telegraph operator there in a broker's office. He came here from Washington, and for about a year was special operator for the Richmond Evening Journal. He came up to this position and went to New York, where he took some special work, but suffered a nervous breakdown due to overwork. He came back to Richmond and filled in for various local operators while seeking a permanent position, making his home on South Third Street. Until he left here last week his wife had been in the employ of the Western Union Telegraph Company.

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TAKES PATROLMAN'S BADGE

Captain of National Guard in Control at Grand Review of Two State Deputies.

GRAND ALA., May 21.—Patrolman Harris, of the Grand police force, was called to military headquarters and his badge removed to-day by Captain Dallas Smith, of the Opelika Company, National Guard of Alabama, after the patrolman had arrested two State deputies conducting whisky raids here, on charges of carrying concealed weapons. The deputies were released, and later Captain Smith returned the badge to the patrolman.

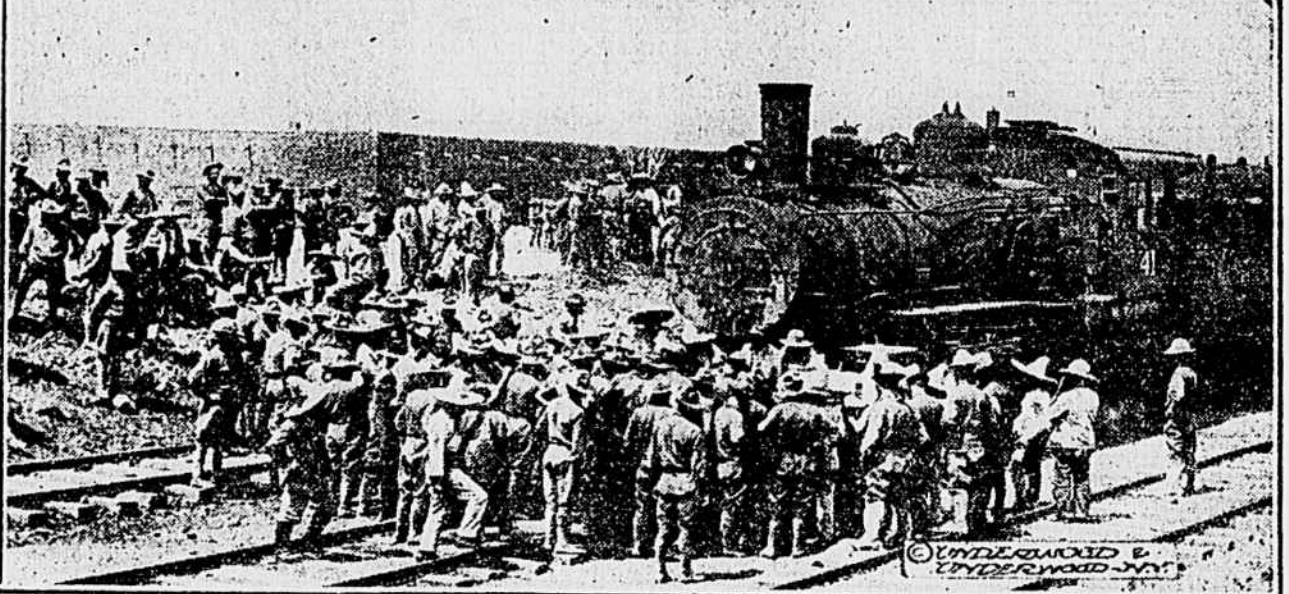
WILSON PRINCIPAL SPEAKER

First National Meeting of League to Enforce Peace Will Be Held in Washington Last of This Week.

[Special to The Times-Dispatch.] NEW YORK, May 21.—Nearly every State in the Union, and all of the large cities will be officially represented in Washington on Friday and Saturday at the first national meeting of the League to Enforce Peace. Already 1,800 delegates have registered. William Howard Taft, president of the league, will preside.

The principal address will be made by President Woodrow Wilson. Secretary of War Baker and other notables are to speak. Among them are Oscar S. Straus, Theodore Marburg, A. Lawrence Lowell, president of Harvard; Talbot Williams, professor of Franklin H. Giddings, Samuel Gompers and others.

Americans and Mexicans Around Stalled Locomotive



American soldiers gathered in front of locomotive of train carrying Carranzistas, temporarily stalled near San Antonio, base camp of the American troops in Mexico.

CYCLIST FATALLY HURT AS HE RUNS INTO AUTO

Bethel B. Bivens, Known as "Speed King," Dies Few Hours Later in Hospital.

HURLED THROUGH WINDSHIELD

Warren M. Goddard, Who Was Driving Machine, Although Arrested as Formality, Is Considered by Officials to Be Entirely Blameless.

Bethel Bushy Bivens, twenty-seven years old, of 2220 West Cary Street, and known as one of the Richmond "speed kings" on the motorcycle, was injured fatally on the Cary Street Road shortly after 5 o'clock yesterday afternoon, when he drove his machine into the automobile of Warren M. Goddard, of the Federal reserve bank, just beyond the Belt Line crossing. Bivens was hurled across the automobile, through the windshield and into the field beyond. He was rushed to Virginia Hospital by Dr. Beverly R. Tucker, and died there at 11 o'clock last night, without having regained consciousness.

Neither the county nor city police are inclined to attach any responsibility to Mr. Goddard for the accident. Bivens's machine running into his after the automobile had been ditched by Mr. Goddard in an effort to prevent the collision. As a formality, however, Mr. Goddard was arrested last night by Policeman L. N. Clarke, after the death of Bivens, on a charge of involuntary manslaughter. He was bailed and probably will be arraigned in the Police Court on Thursday. An inquest into the death probably will be conducted to-morrow by Coroner Taylor. No arrangements for the funeral had been made last night.

The accident occurred close to the city limits and there was some doubt last night as to whether the county or city officials had jurisdiction in the case. However, Bivens died in the city and this would necessitate Coroner Taylor handling the case. As Mr. Goddard is a resident of the city, the local police swore out the technical warrant against him. It is said that the exact spot at which the accident occurred was on the incline just to the west of the Belt Line crossing.

MR. GODDARD GIVES ACCOUNT OF ACCIDENT

Mr. Goddard last night gave an account of the accident, and everything he said relative to it was attested by city and county officers who investigated. Mr. Goddard said that he and his mother and her nurse were returning to the city after a quiet ride through the country, when he saw the approaching motorcycle. Mr. Goddard said that Bivens had been approaching him rapidly, and that he lost sight of the cyclist for an instant when he rode up behind two automobiles that were in advance of his cycle.

Bivens is thought to have speeded up his cycle in an effort to pass these machines, and suddenly darted from around them in the direction of Mr. Goddard's car. Goddard noticed the speed of the motorcycle and the sweeping curve Bivens made in passing the other automobile. Unwilling to take even a chance of an accident because of the nervous condition of his mother, Mr. Goddard ran his car into the ditch on the right-hand side of the road and waited for the motorcycle to pass him.

However, the speed at which it was being driven was too great to allow Bivens to make the sharp curve necessary and the cycle crashed into the front fender of the automobile. The impetus of the motorcycle was sufficient to drive that machine nearly through the fender and the hood of the automobile. Bivens was hurled through the air, across the hood of the car, through its windshield and came flying into the field beyond it. He lay motionless, broken from until the arrival of Dr. Tucker, who happened to pass the scene a few minutes after the accident.

Dr. Tucker made a quick examination

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Readers of The Times-Dispatch are requested to place their orders in advance with their newsdealer or carrier. This is the only sure method of securing your paper regularly. Owing to a shortage of newsprint paper throughout the country generally, newsdealers and carriers' orders are limited to the actual number required to take care of their regular trade.

NINE DEAD, 38 INJURED, IN TORNADO-SWEPT TOWN

Only Three Small Dwellings Remain Intact in Town of Kemp, Oklahoma.

VILLAGE MAY NOT BE REBUILT

Bodies of Victims in Several Instances Found Hundreds of Yards From Where Their Houses Had Stood—Denison Sends Aid.

DENISON, TEX., May 21.—Nine persons were killed and thirty-eight injured at Kemp, Okla., eight miles east of Denison, and the town was badly damaged by a tornado, which last night swept a patch three-quarters of a mile wide and five miles long in the vicinity of Kemp. Only three small dwellings remain intact at Kemp.

Twelve business houses, a two-story hotel and sixty residences were demolished in Kemp. This is the second time in recent years that the little town of 300 inhabitants has been visited by a tornado. Merchants said that the town probably would not be rebuilt.

Eight were killed in the town, while the other victims, a child, was killed in the collapse of its father's home, just across the Red River in Texas. Of the thirty-eight injured, thirty-six are from Denison, Okla. Most of those injured were caught in the collapse of buildings, while trying to reach storm cellars shortly after the storm broke at 9:23 Saturday night.

The bodies of the dead in several instances were found hundreds of yards from where their houses had stood. The two-year-old child of Dr. and Mrs. William Brinson, who were killed, was hurled 500 feet with flying debris when the Brinson residence was destroyed, but the child suffered only minor injuries.

After the storm passed, emergency treatment was given the injured in the darkness, with rain falling in torrents. A special train carrying twelve physicians from Denison, did not reach Kemp until several hours after the tornado passed.

LYNCH SENTENCED TO DEATH

But Commutation Follows in Case of American Citizen Who Was in Dublin Rebellion.

LONDON, May 21.—That Jeremiah C. Lynch, a citizen of the United States, was sentenced to death by a British court-martial officially was admitted to-day by the Foreign Office. Lynch's sentence, as has been announced previously, has been commuted to ten years' penal servitude.

Lynch, a citizen of New York, and former president of the Gaelic League, was, according to a statement by the Foreign Office, an active participant in the Dublin rebellion.

"There was clear evidence of Lynch's activity in the rebellion," says the statement. "He is known to have been a prominent agitator before the outbreak. He was sentenced to death, but the officer commanding commuted the sentence to penal servitude of ten years."

LANSING ILL AT HOME

May Be Confined for Several Days as Result of Attack of Indigestion.

WASHINGTON, May 21.—Secretary of State Lansing is confined to his bed with an attack of indigestion. It was said at the State Department yesterday that Mr. Lansing's illness was of no consequence, and that he would be at his desk to-day. Inquiries at his home to-day were told, however, that it probably would be the middle of the week before he would be able to leave the house.

BOY SCOUTS SHOW HEROISM

Awarded Carnegie Medal for Acts Performed During Air Raid by Austrians.

ROME, May 21.—Medals have been awarded two Boy Scouts of Verona by the Carnegie Hero Fund Commission for acts of heroism during an Austrian air raid on that city in November last. It is officially stated to-day. Action was taken at a meeting of the commission in this city last night.

STEAMER PLANTS UNASSISTED

LEWES, DEL., May 21.—The Danish steamer Berlin, from New York, for Baltimore, reported ashore on Smith's Island, Va., flooded unassisted last night and proceeded.

RUSSIAN FORCES JOIN HANDS WITH BRITISH ON TIGRIS

Czar's Cavalry Forms Junction With English in Mesopotamia.

GERMANS ARE ADVANCING LINES IN VERDUN REGION

Paris Admits That Advanced Trenches Are Lost on Slope of Dead Man's Hill.

OTHER ATTACKS REPULSED

Austrians Claim to Have Driven Italians From Main Line of Resistance.

The Russians have achieved in part one of their main objects in Asiatic Turkey—the joining of hands with their British allies, fighting against the Turks on the Tigris River. Without preliminary announcement, and apparently quite unexpected, the Russian cavalry, "after a bold and adventurous ride," has formed a junction with the British General Goringe on the right bank of the Tigris, in the region of Kut-el-Amara, where only recently a British force under General Townshend and, after a long siege, was forced to capitulate to the Turks. How the Russians made their advance—whether along the Tigris Valley or down through Persia—has not been made known. Coincident with their arrival, however, comes a report that the Turks have evacuated Bethesda, their advanced position on the right bank of the Tigris, and have lost to the British their Dugliah redoubt. Petrograd also says the Russians are keeping up their advance on Mosul.

Around Verdun the fighting between the French and the Germans continues with great violence, especially between the Avocourt wood and the River Meuse, northwest of the fortress. A French first-line trench and slopes of the west of La Mort Homme have been captured by the Germans, while the French have taken two German trenches on the road from Esnes to Haucourt. Numerous German attacks have been repulsed. Berlin reports that more than 1,500 "French" were taken prisoner, and that sixteen machine guns and eight cannon were captured in the region of La Mort Homme.

FRENCH TAKE HAUDROMONT

Quarries From Germans Northeast of the fortress the French have taken from the Germans the Haudromont quarries, which had been strongly organized, and captured eighty prisoners and four machine guns. On the remainder of the front the fighting has consisted mainly of artillery duels, and numerous combats in the air. In the aerial fighting aviators of both sides were brought down.

The latest Austrian official report, dated Saturday, and presumably referring to fighting on the previous day, records additional progress of the Austrian army against the Italians in Southern Tyrol. The Rome communication, which deals with the fighting of Saturday, mentions an infantry engagement in the Lagarina Valley, where the Austrians threw three large masses of infantry into the fray, but were driven back with heavy losses. Another attack between the Astico and Brenta rivers had a similar result. Advanced Italian posts repulsed another attack in the Sugana Valley, but afterwards withdrew to their lines of support. The Austrian artillery continued extremely active at other points.

Except for German attempts at offensives against the Russians in the Soukht region, and north of Lake Irtys, which were repulsed, there have been only artillery duels on the Russian front.

Two aeroplanes of the Teutonic allies have dropped bombs on Cairo, Egypt, killing two and wounding thirteen civilians and injuring five soldiers.

JOIN BRITISH AFTER BOLD AND ADVENTUROUS RIDE

LONDON, May 21.—A force of Russian cavalry has joined the British army on the Tigris in Mesopotamia. An official communication issued to-night follows:

"General Lake reports that on the 19th, the enemy vacated the Bethesda advanced position on the right bank of the Tigris. General Goringe, following up the enemy, attacked and carried the remainder of the Bethesda position on the left bank of the river. A force of Russian cavalry has joined General Goringe, after a bold and adventurous ride."

FIRST-LINE TRENCHES ARE TAKEN BY GERMANS

PARIS, May 21.—Afternoon official: West of the Meuse the Germans continued during the night their attacks on our positions on Dead Man's Hill. They were again repulsed to the east of our current line, which sheltered, however, in occupying our first-line trenches on the slopes west of Dead Man's Hill.

East of the Meuse there was very heavy artillery firing in the vicinity of Fort Vaux without any infantry action. In Lorraine an attack following a violent bombardment enabled the Germans to penetrate one of our trenches west of Chasselev. The fire of our artillery and machine guns compelled the German a little later to return to their lines, leaving their dead and wounded.

AVIATION: A RAID WAS MADE BY ENEMY AVIATORS IN THE REGIONS OF BACURAT